

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
October 16, 2017

Chairwoman Escallier opened the Village of Harriman Regular Meeting of October 16, 2017 at 7:30pm.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Present: Chairwoman Irma Escallier, Board Members, Ron Klare, Juan Quinones, Michael Zwarycz, Kevin Dowd, Attorney, John Russo, Engineer, John Hager, Building Inspector and Barbara Singer, Recording Secretary.

Absent: Board Member Martin Stanise

Mr. Dowd: We continued the Public Hearing to tonight because there was at least one mailing that wasn't done. Did we receive the mailing?

Ms. Singer: Yes, we received the mailing.

MOTION was made by Member Klare to reopen the Public Hearing from September 18, 2017.

SECOND was made by Member Quinones

AYE Member Escallier

NAY: -0-

Member Klare

Member Quinones

Member Zwarycz

PUBLIC HEARING

TAMR VENTURES LLC

106-1-16

Present: Ross Winglovitz, Engineering & Surveying Properties, Asha Keegan, owner, Mary Isrealski, Realtor

Mr. Winglovitz: The proposal is for a four lot subdivision. One of the lots being an existing home. The properties located on Maple Ave and Kearney Ave. The existing home is on a .28 acre lot, the other a .27 acre lot. The two lots off Kearney Ave, Lot 3 being approximately .4 acres and Lot 4 being approximately .2 acres. The zoning allows 5000 square foot lots, these are at least twice the acreage, except Lot 4. The applicant was the caretaker of the property for years before they purchased the property from the owner of many years. The lot off Maple will use the existing driveway to access both houses. Off Kearney Ave there will be a proposed turnaround that will be constructed and dedicated to the Village and two lots will come off the end of that T turnaround. Each of the houses will have water and sewer provided from their frontage. Storm water from the property flows from the top of Kearney, flows through the property and flows out Maple Ave.

Chairwoman Escallier: Let's open up the Public Hearing for comments.

Natalia Mouryn, 3 Kearney Ave: Two houses will have a driveway through Kearney Ave? And all of the neighbors think this is ok?

Mr. Winglovitz: Yes, the two houses will have driveways off Kearney. This subdivision is permitted under the zoning, the public doesn't really agree, they brought some comments to the Board about some issues and concerns that they have. But this is in accordance with the zoning law. You will have two more neighbors and a turnaround at the end of the road.

MOTION was made by Member Zwarycz to close the Public Hearing.

SECOND was made by Member Klare

AYE Member Escallier

NAY: -0-

Member Klare

Member Quinones

Member Zwarycz

TAMR VENTURES LLC

106-1-16

Subdivision

Present: Ross Winglovitz, Engineering & Surveying Properties; Asha Keegan, owner, Mary Isrealiski, Realtor.

Mr. Dowd: At the last meeting we talked about a driveway agreement between Lots 1 & 2 off Maple Ave, Ross's office provided me with an initial draft of that. I will need to talk to whoever drafted this; there is some work that needs to be done on it.

Mr. Winglovitz: The applicant drafted that.

Ms. Keegan: We plan on submitting it to an attorney. That was just a rough draft but we will consult our attorney and Ross's office on it.

Mr. Dowd: With two property owners I don't think that you would want a binding arbitration. It would be an onerous process to try to go through to try to come up with whether repairs have to be done on a driveway. It might have an impact if you were trying to sell the house too. I can send my comments to Ross and he can send them to you.

Ms. Keegan: Thank you that would be fine.

Mr. Dowd: The other issue is going to be Lots 3 & 4. I have e-mails back and forth with the Building Inspector and John Russo, as to when the grading and the like are going to be complete on the turnaround.

Mr. Winglovitz: Our position on that, and I think we stated this at the Public Hearing, we are gratuitously offering the dedication. We didn't create the problem; we are trying to solve it. We are gratuitously offering to do the improvements. We are asking, because of the situation, we aren't creating the problem, but trying to help resolve it, spending our funds helping the Village with an existing issue. We would like to do it prior to the CO on either one of those buildings, that way it's constructed simultaneously. Some of the discussion that I had with the Mayor was that we were going to have construction equipment out there anyway, if we could do it at the same time that we're building a house. If we have to do it at a different time than that then it's more costly. We would be willing to put a map note stipulating that those improvements have to be done prior to a certificate of occupancy on either Lot 3 or Lot 4.

Chairwoman Escallier: If we don't have the buildings constructed at the same time there could be a lull. Why would the Village do something when there's no activity going on?

Mr. Russo: The builder of whatever home was being built first, would have to grade out that turnaround complete.

Mr. Winglovitz: They would have to construct the driveway, the foundation; at the time that the excavator is there we're asking that they can do it at the same time.

Mr. Russo: Otherwise they can't get the certificate of occupancy for the house. The Village is going to pave it, but they have to clear, grade it, get the sub base. They're trying to tie it to a certificate of occupancy for either one of the lots so whoever comes in first is going to have the burden of having to clear it, fill it, and grade it.

Mr. Hager: The more I think about it, the more I think that's most appropriate to have it with the certificate of occupancy. If one house is started and the other house comes later, I do think that we need to have something to make sure the service laterals for the second house gets installed and stubbed out. The Village only wants to pave this once.

Mr. Winglovitz: What they're asking for is for instance if Lot 4 started to build not just put in his service but put in the service for Lot 3 as well.

Mr. Russo: You would have to stub out Lot 3 and Lot 4 outside of the right of way so whoever comes in to build whether it's a month down the road or two years, they're not digging up the right of way again.

Ms. Keegan: I understand.

Mr. Dowd: If the Village comes in after the grading is done and they pave it and the next building comes in two years later, there's a chance they are going to disturb or damage the paved area for the new house.

Mr. Winglovitz: There's got to be a driveway permit that they would have to get that would have a security bond like any other driveway and that would protect the Village.

Mr. Hager: Could we get a note on the plan that clearly states that whoever starts the physical work knows exactly what they're responsible for. If the first builder is going to be responsible for putting in both service laterals in, both sewer and water, I'm not sure what you're doing with power, if that's underground or overhead, it just needs to be specific on the plans. If there is going to be any kind of bond or surety required, that needs to be clear.

Mr. Winglovitz: Is there a driveway bond that you typically put on?

Mr. Hager: There's a street opening permit would have an application fee and an estimate of the cost of work.

Mr. Dowd: I think what you're referring to is a surety bond to insure that the work is done and getting it ready for the Village as well as putting the service lines in.

Mr. Hager: You're going to be working on private property.

Mr. Dowd: It's dedicated for public use so that's why you can bond it.

Mr. Hager: So while it's being constructed, shouldn't there be another bond in place besides the driveway opening permit?

Mr. Dowd: When does title change? When does the owner deed to the Village?

Mr. Russo: I would think the Village would receive the title when the grading is done.

Ms. Keegan: The hope is that we will possibly be the builders.

Mr. Winglovitz: We would give you a deed as part of the conditions of approval, it wouldn't be dedicated until such time, and it would be up to the Village. They can take it now, which may not be bad idea because then at least they would have it. Then we would have to do the improvements, provide a certificate of insurance to the Village for whatever work we're doing to the driveway and so on.

Mr. Russo: Another concern would be suppose we take it, now we have it but we don't have any surety at that point and we have the liability of something happening on there.

Mr. Dowd: Maybe if there's an offer of dedication, you submit the deed but we don't file the deed. We won't accept the dedication, it's just an offer, until the work is done and then the Village can file the deed.

Chairwoman Escallier: That sounds good.

Mr. Dowd: There will be an offer to the Village, at the signing of the map, there will be a deed that will be held on file, providing the same owner is still in title at the time that the deed has past. Once all of the grading is done, the improvements are in, before the first certificate of occupancy is issued, I would think the title would pass, and the Village would come in and pave it. They own it so now they can pave it. Then they can give a driveway permit opening for the second house, with bonding that goes with it. We need to make notes on the maps, accept the offer, to protect the Village.

Mr. Winglovitz: That is acceptable to us.

Discussion broke out.

Mr. Hager: The first house that they get a building permit for they're going to need to post a bond for the work on the right of way?

Mr. Dowd: No, they don't need to post a bond. If they don't do the work, they don't get the certificate of occupancy.

Mr. Hager: Typically if they were building a street, there would be a bond. There's not a lot of risk here. How about inspections?

Mr. Dowd: There would need to be escrow for that. Make sure it's properly graded. Who's going to post that and when?

Mr. Russo: It usually depends on the cost of the work and posted when the map is signed.

Mr. Dowd: As the owner, you post the bond and then if you sell it, the other person can then replace your bond with their bond.

Mr. Winglovitz: Ms. Keegan would need to get an estimate of the cost of the work, submit it to the Village and they would approve it. Then you pay a fee based on that.

Mr. Hager: And the monuments? Can we also have the monuments installed at the conclusion? I see the monuments getting buried by the grading.

Mr. Winglovitz: Probably only two would be close. There's only about 1' of grading in the one location of the one monument and the others are at grade.

Mr. Russo: I don't see why they couldn't be installed now and if somebody damages them they would be required to reset them by a licensed land surveyor. What we usually do is have the monumentation of the right of way being conditional of the taking of the offer of dedication.

Mr. Dowd: Taking the offer of dedication after signing the map, those markers should be in there.

Mr. Winglovitz: The County Planning department has ruled local determination, we did submit s short EAF.

Mr. Dowd: This Board took Lead Agency in August.

MOTION was made by Member Klare to state Negative Declaration under SEQRA.

SECOND was made by Member Zwarycz

AYE Member Escallier

NAY: -0-

Member Klare

Member Quinones

Member Zwarycz

MOTION was made by Member Klare to authorize a Resolution of Conditional Subdivision approval for this four lot subdivision and the conditions will be (1) a proper driveway easement agreement is executed satisfactory to Mr. Dowd, Planning Board attorney, for Lots 1 & 2; (2) Lots 3 & 4 that there will be an offer of dedication to the Village for the turnaround (3) no certificate of occupancy will be issued for either Lot 3 or Lot 4, whichever one is first, until the turnaround is properly constructed under Village specifications and inspected and approved by the Village Engineer (4) there will be an escrow account posted for the engineering fees to do the inspection of that turnaround to be posted by the current owner, if there is a new owner for Lot 3 or Lot 4 that new owner would have to substitute the escrow account (5) the work that has to be done, not just the grading and the sub base, the improvements of all utilities for Lot 3 and Lot 4, are to be completed (6) the installation of the monuments for the four corners of the dedicated parcel (7) supply the Board with a deed for the parcel of the turnaround and also for the 25' strip on Maple Ave (8) all of the recording fees will be at the expense of the applicant (9) pay any outstanding fees to the Village (10) all of these additional notes will be reflected on the map.

SECOND was made by Member Quinones

AYE Member Escallier

NAY: -0-

Member Klare

Member Quinones

Member Zwarycz

MOTION was made by Member Zwarycz to accept the minutes of September 18, 2017.

SECOND was made by Member Quinones

AYE Member Escallier

NAY: -0-

Member Klare

Member Quinones

Member Zwarycz

Discussion broke out.

MOTION was made by Member Klare to close the meeting at 8:10pm.

SECOND was made by Member Zwarycz.

AYE: Member Escallier

NAY: -0-

Member Klare

Member Zwarycz

Member Quinones

Respectfully Submitted: _____
Barbara Singer, Recording Secretary